

Education & Development

NACM Annual Conference and National Symposium

The National Association for Court Management (NACM) will hold its annual conference August 13–18 in Atlanta, Georgia. Associated with the conference is the third National Symposium on Court Management, which NACM will host in collaboration with the Conference of Chief Justices, the Conference of State Court Administrators, the American Judges Association, the National Center for State Courts, the Justice Management Institute, the American Bar Association, and the State Justice Institute.

"Symposium 2000: Meeting the Justice Needs of a Multi-Cultural Society in the 21st Century" will facilitate a dialogue between court and community leaders on the issues confronting the court in the coming century. Symposium participants will explore five themes:

Public Expectations Discussion topics will include an expert summary of more than 20 years of study of the community's understanding of and satisfaction with the courts and a new national survey of public expectations.

The Role of Courts Increasingly, courts are expanding their traditional role and becoming actively engaged in problem solving and treatment.

Accountability for Performance For what and to whom are courts accountable, and how can they improve their responsiveness to the public?

Technology Through the Internet and the integration of technologies, court leaders can move the courts into the community and bring the community to the courts.

Court Leaders: Survivors or Agents of Change? Do court managers, both elected

and appointed, serve a perceived and defined function, and is there a growing disconnection between court leaders' understanding of court purposes and their day-to-day practice of court management?

• For more information on the symposium, contact NACM's Association Services, 757-259-1841; e-mail: nacm@ncsc.dni.us.

CJER BENCHTIPS

A Surprising Procedural Crossover

One result of unification that has caught some superior court judges by surprise is that all limited civil cases are governed by the more restrictive procedures that generally apply in municipal court. (Code Civ. Proc., § 91(a)). These procedures differ from those applicable in unlimited civil cases mainly in the following three areas.

(1) *Pleadings and motions* (Code Civ. Proc., § 92). In limited civil cases:

- The only pleadings allowed are complaints, answers, cross-complaints, answers to cross-complaints, and general (not special) demurrers.

- Motions to strike are allowed only on the ground that the damages or relief sought is not supported by the allegations of the complaint.

(2) *Discovery* (Code Civ. Proc., § 94). In limited civil cases:

- Each party may take only one deposition from each adverse party.

- The aggregate number of interrogatories, requests for ad-

mission, and inspection demands allowed to each adverse party may not exceed 35.

(These limitations may be exceeded by court order or by stipulation (Code Civ. Proc., § 95).)

The following discovery methods are unique to municipal court and limited civil cases in superior court:

- The case questionnaire (Code Civ. Proc., § 93), which elicits basic information about a party's case.

- The request for a statement of witnesses and evidence (Code Civ. Proc., § 96), by which a party may obtain details about the witnesses, documents, photographs, and other physical evidence that any other party intends to offer at trial.

(3) *Evidence* (Code Civ. Proc., § 98). In limited civil cases the parties may offer prepared testimony of relevant witnesses

in the form of affidavits or declarations under penalty of perjury instead of presenting direct testimony (including expert witness testimony and testimony authenticating documentary evidence). The prepared testimony may be received in evidence if it is otherwise admissible and if:

- A copy was served on the opposing party at least 30 days before trial, together with a current address for the witness that is within 150 miles of the courthouse, and the witness is available for service of a subpoena at that address within the 20-day period before trial; or

- The testimony consists of all or part of the witness's deposition in which the opposing party had an opportunity to participate.

• For further details, see the following CJER civil proceedings benchbooks and their updates: *Before Trial*, § 2.2B; *Discovery*, ch. 19; and *Trial*, § 1.1C. Judges can obtain copies at no charge by contacting Kathy Pearce, 415-865-7805; e-mail: kathy.pearce@jud.ca.gov. ■



On June 1, Peter Belton celebrated his 40th year on the staff of the California Supreme Court. The court presented him with a plaque recognizing his achievement and symbolizing its appreciation of his service. Mr. Belton began his career with the Supreme Court in 1960 as a staff attorney for Justice B. Rey Schauer. He has served with 34 justices, including 6 chief justices, and currently serves as senior staff attorney for Justice Stanley Mosk.

Justice Mosk's Supreme Court staff (clockwise from front right): Pat Sheehan, judicial assistant; Peter Belton, senior staff attorney; Judy Schelly, staff attorney; Justice Mosk; Dennis Maio, staff attorney; Rob Katz, staff attorney; and Ted Stroll, staff attorney. Photo: Lynn Holton

Watch on Washington Continued from page 12

appropriate remedy. In April the proposal was withdrawn from further consideration in the Senate after two days of debate, largely due to the arguments of CCJ and the similar arguments of other organizations.

JUVENILE JUSTICE ACT

The only broad-scale crime bills still pending are Senate Bill No. 254, the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act, and House Bill No. 1501, the Juvenile Justice Reform Act.

These are House and Senate versions of a juvenile justice bill that were passed in the first ses-

sion of the 106th Congress and are now, technically, in conference. Both bills continue the Juvenile Accountability Incentive Block Grant from the last Congress. The House version has fewer strings. The sticking points for the conference are the non-juvenile issues. The Senate bill has the gun provisions that have received so much attention. The House version has "moral mandates" such as allowing the posting of the Ten Commandments in schools. Whether it will be possible to reconcile these two versions is highly problematical. Each party believes it may gain more from the rhetoric on the juvenile justice bill than from its passage.

A likely outcome is that no bill will pass and the juvenile

block grant will be continued in its present form in fiscal year 2001. Although this will retain flexibility in state funding, it will maintain the program as a "revenue sharing" approach, which does not allow direct funding for state courts.

TECHNOLOGY/INTEGRATED INFORMATION SYSTEMS

The Office of Justice Programs has a broad-scale effort under way to promote the development of integrated justice information systems. Included in this effort is funding for the work of the COSCA/NACM Joint Technology Committee on functional standards for criminal justice. The Department of Justice has also established a "Global Justice Information Network Advi-

sory Committee" that is charged with advising the Attorney General on strategies for encouraging the exchange of information among federal, state, and local justice agencies. Several court representatives sit on this body, including representatives from COSCA, NACM, and NCSC.

In Congress, one issue of primary interest is funding for the Criminal Information Technology Act (CITA) for 2001. CITA was passed in the last Congress and was funded last year at \$130 million, although most of that was earmarked. It is the only program designed to support development of criminal justice information systems by state and local agencies, and explicitly includes the courts in the funding stream. ■

Court Briefs

New Judicial Council Electronic Forms

Under rule 243.6 of the California Rules of Court, each superior court is required to submit to the Judicial Council *semiannually* a listing by year of the filings of all (1) court records destroyed; (2) comprehensive and sample court records preserved, along with their locations; and (3) court records transferred to entities such as historical societies, along with their locations. The Administrative Office of the Courts has made it easier for trial courts to submit their reports with the introduction of two new electronic forms.

Electronic versions of Judicial Council Form 982.8A, *Report to the Judicial Council: Superior Court Records Destroyed, Preserved, and Transferred*, and Form 982.8(2)(R), *Release and Receipt of Superior Court Records*, are now available on the Serranus Web site at <http://serranus.courtinfo.ca.gov/programs/courtrec/>. Judicial branch staff can use these forms to submit their reports online.

In addition to the forms, the following information is posted on the site to assist courts in implementing the requirements of the Legislature and the Judicial Council:

1. Current trial court records management statutes;
2. A superior court records sampling program, as well as assigned years for longitudinal sampling under rule 243.5;
3. Flowcharts on trial court records destruction statutes and rules;
4. A list of entities to which to give notice of superior court records destruction under rule 243.6;

5. Trial court records management standards; and

6. A comprehensive list of frequently asked questions and answers.

● For more information, contact Frank Darby, 415-865-7433; e-mail: frank.darby@jud.ca.gov.

AJS Curriculum Addresses Judicial Ethics

During an election campaign, judges need to know how to give voters relevant information without compromising the independence of the judiciary or the integrity of judicial decision making. To help judges and candidates comply with the standards of the Code of Judicial Conduct, the American Judicature Society (AJS) has developed a multimedia curriculum titled "Communicating With Voters: Ethics and Judicial Campaign Speech." It consists of a videotape, an instructor's manual, study materials, and a self-study guide in both written and CD-ROM versions.

The videotape features three scenarios in which professional actors portray a judge, a judicial candidate, and a candidate's campaign manager. The scenarios raise ethical issues and serve as a background for ensuing discussions. They are designed to be used with the study materials, which examine the Code of Judicial Conduct, cases in which candidates have been disciplined for violating the code, and advisory opinions issued by state judicial ethics committees.

The instructor's manual provides all the resources necessary for a judicial education program on campaign speeches. It includes notes for the session leader and instructions for small-group discussions. Accompanying it is the self-study guide, which helps each judicial candidate identify what is permitted in election campaigns. The guide includes questions that will prompt the user to explore the code, case law, advisory opinions, and principles involved in a campaign.

● For more information or to order the products, contact Cynthia Gray, AJS Center for Judicial Conduct, 312-558-6900; e-mail: cgray@ajs.org.

New Form for Asset Disclosure

At its April 28 meeting, the Judicial Council approved the use of a new form to facilitate the disclosure of financial assets of convicted criminal defendants. The form is a financial statement that discloses "all assets, income, and liabilities" in a defendant's control.

In Senate Bill 1768 (Kopp) (Stats. 1998, ch. 587, §§ 6, 6.5), the Legislature amended Penal Code section 1202.4 to require a convicted criminal defendant to file a financial statement to assist crime victims in collecting restitution. The new form, created to comply with the statutory amendment, is designed to reflect the defendant's financial situation at present as well as at the time of his or her arrest. If the defendant "unreasonabl[y] fail[s] to make a complete disclosure," the court may consider that failure in selecting the sentence. (Pen. Code, § 1202.4(f)(8).)

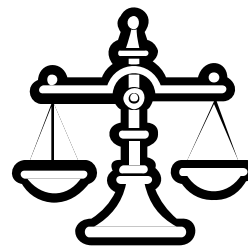
● For more information, contact Joshua Weinstein, 415-865-7688; e-mail: joshua.weinstein@jud.ca.gov.

Bagel Time

Recognizing the importance of public communication and presentation skills, two of Southern California's largest superior courts are offering voluntary public speaking programs for their staff members.

RIVERSIDE COUNTY

Created in April 1997 by Inga McElyea, Regional Court Administrator for the Superior Court of Riverside County, Bagel Time (which stands for "brilliant awesome goal-oriented energetic leaders time") is a monthly program in which preselected staff



members speak on a prepared topic to other members of the court staff. The program concentrates on enhancing speaking and presentation skills but also has become a forum for managers, supervisors, and staff to share and interact with each other on both professional and personal levels. Bagel Time is open to supervisors, managers, and other staff members wishing to improve their speaking skills.

● For more information, contact Diane Gray, Bagel Time Coordinator and Court Administrative Services Manager, Superior Court of Riverside County, 909-955-5553.

SAN BERNARDINO COUNTY

Like its counterpart in Riverside County, the administrative office of the Superior Court of San Bernardino County has developed a voluntary public speaking program, which it calls Talking Circles. The name was chosen to avoid use of the term *public speaking*, which has a tendency to strike fear in the heart of anyone called upon to give a presentation. Each month, participants present both impromptu and prepared speeches and moderate and evaluate others' presentations.

The impetus for Talking Circles grew out of interest gen-

erated during communication workshops that were presented to court personnel in the fall of 1999. The participants in those workshops suggested that a program focusing on public speaking would be helpful for day-to-day management and supervision as well as professional development.

● For more information, contact Glenda Lane, Court Services Training Manager, Superior Court of San Bernardino County, 909-387-0193.

MILESTONES

Superior Court Judge James P. Cloninger was named Judge of the Year by the Ventura County Trial Lawyers Association at its annual Judges' Night dinner.

The judge of the year is chosen by a committee made up of representatives from several attorneys' organizations, the district attorney's office, and the public defender's office. The committee seeks candidates with attributes of wisdom, wit, patience, understanding, and compassion.

Judge Cloninger began his career on the bench in 1994 with his appointment to the Ventura County Municipal Court and was elevated to the superior court in 1995. He received his law degree from Loyola Law School in 1979.

In May, judges of the Superior Court of San Francisco County announced the appointment of Gordon Park-Li as the court's new chief executive officer. Mr. Park-Li succeeds Alan Carlson, who resigned his post to join the Denver-based policy group Justice Management Institute.

Mr. Park-Li began his career with the municipal court as a deputy clerk in 1972. He was appointed clerk-administrator of the municipal court in 1989 and was elevated to assistant chief executive officer of the newly unified superior court in 1997.

As the chief executive officer, Mr. Park-Li's immediate priorities include implementation of the employee reclassification program, completion of the civil court's automation project, and improvement of court facilities.

Prior to Mr. Park-Li's appointment, Alan Carlson had been the court's chief executive officer since 1993. Under his leadership, San Francisco County unified its superior and municipal courts, built the new civil courthouse, started a new civil mediation program, and adopted a one-day/one-trial jury system. Prior to his position as chief executive officer, he served as assistant director of court services at the Administrative Office of the Courts. ■

Leadership 2000 Award



Judge Patrick Morris (right) of the Superior Court of San Bernardino County, who is the chair of the National Association of Drug Court Professionals (NADCP), welcomes Chief Justice Ronald M. George at the organization's sixth annual conference. More than 3,000 court representatives and service providers attended the conference, held in San Francisco June 1-3. The NADCP honored Chief Justice George with its Leadership 2000 Award. *Inset:* Jeffrey Tauber, president of the NADCP and formerly a judge in Alameda County, welcomes conference attendees and discusses the advances in the drug court movement. *Photos:* Shelley Eades

Judicial Appointments

The Governor announced the following appointments in May and June 2000.

Paul Bernal to the Superior Court of Santa Clara County, succeeding Thomas C. Hastings, retired.

Joseph A. Brandolino to the Superior Court of Los Angeles County, succeeding Sherman Smith, Jr., retired.

Peter J. Busch to the Superior Court of San Francisco County, succeeding Dorothy Von Beroldingen, retired.

Dolores A. Carr to the Superior Court of Santa Clara County, succeeding Robert P. Ahern, retired.

Sharon A. Chatman to the Superior Court of Santa Clara County, succeeding Lawrence F. Terry, retired.

Linda R. Condrón to the Superior Court of Santa Clara County, succeeding Leonard B. Sprinkles, retired.

Patrick Donahue to the Superior Court of Orange County, succeeding Robert Keefe, a former municipal court judge who was elected to the superior court upon unification.

Katherine A. Feinstein to the Superior Court of San Francisco County, succeeding Lee D. Baxter, retired.

M. Marc Kelly to the Superior Court of Orange County,

succeeding Myron Brown, retired.

Rita J. Miller to the Superior Court of Los Angeles County, succeeding Enrique Romero, retired.

Yvette M. Palazuelos to the Superior Court of Los Angeles County, succeeding Alban Niles, a former municipal court judge who was elected to the superior court upon unification.

Alan M. Simpson to the Superior Court of Fresno County, succeeding Dwight Keyes, retired.

Richard A. Stone to the Superior Court of Los Angeles County, succeeding Judith Hollinger, retired.

Paul Zellerbach to the Superior Court of Riverside County, succeeding William Sullivan, retired.

The following presiding justices were elected effective July 1.

Donald Cole Byrd, Superior Court of Glenn County,

succeeding Angus Saint-Evens.

William A. Mayhew, Superior Court of Stanislaus County, succeeding John G. Whiteside.

Angil Morris-Jones, Superior Court of Merced County, succeeding Frank Dougherty.

Dale A. Reinholtsen, Superior Court of Humboldt County, succeeding W. Bruce Watson.

The following court executive officers have been appointed since June 1.

Evalyn Ghormley, Superior Court of Amador County, succeeding Mary Beth Todd.

Donald H. Lundy, Superior Court of Stanislaus County, succeeding Michael A. Tozzi.

Gordon Park-Li, Superior Court of San Francisco County, succeeding Alan Carlson.

Mary Beth Todd, Superior Court of Calaveras County, succeeding Kay A. Frauenholtz. ■

Getting in Touch

Administrative Office of the Courts
455 Golden Gate Avenue
San Francisco, CA 94102-3660

CALIFORNIA COURTS WEB SITE
www.courtinfo.ca.gov

The area code for the following is 415 except as indicated.

MAIN NUMBER
865-4200

GENERAL PUBLIC INFORMATION and QUESTIONS
865-7740, pubinfo@courtinfo.ca.gov

JOB HOTLINE—Administrative Office of the Courts
865-4369, www.courtinfo.ca.gov/jobs/

JOB HOTLINE—Habeas Corpus Resource Center
865-4314

MEDIA RELATIONS, MEDIA REQUESTS
865-7740

PUBLICATIONS—REQUESTS
865-7740, 800-900-5980,
pubinfo@courtinfo.ca.gov

DIVISION/UNIT
CENTER FOR FAMILIES, CHILDREN & THE COURTS: 865-7739, 865-7569

EDUCATION DIVISION: 865-7745

EXECUTIVE OFFICE: 865-4240, 865-4241
Administrative Support Unit: 865-4211
Appellate Court Services: 865-4250

FINANCE DIVISION: 865-7960
Trial Court Funding: 865-7541, 865-7542

HUMAN RESOURCES DIVISION: 865-4260
Trial Court Assistance Unit: 865-4269

INFORMATION SERVICES DIVISION: 865-7463

JUDICIAL COUNCIL SERVICES: 865-7737
Public Information Office: 865-7740
Research and Planning: 865-7454
Secretariat and Conference Services: 865-7640

OFFICE OF THE GENERAL COUNSEL: 865-7446

OFFICE OF GOVERNMENTAL AFFAIRS:
916-323-3121

TRIAL COURT PROGRAMS DIVISION: 865-7530

BY SUBJECT

Access, fairness, and diversity: 865-7671,
www.courtinfo.ca.gov/programs/access/

Appellate courts, services to

Appellate education: 865-7823, 865-4250

Appellate procedures: 865-7667

Appellate rules: 865-7711

Appointed appellate counsel: 865-4250

California Rules of Court: 865-7681, 865-7690, www.courtinfo.ca.gov/rules/

Cameras in court: 865-7653

Cameras in court form (requests from media): 865-7734, 865-7726

Comment, invitations to:
www.courtinfo.ca.gov/invitationstocomment/

Court community outreach: 865-7654,
www.courtinfo.ca.gov/programs/community/outreach.htm

Court employees:
www2.courtinfo.ca.gov/tcemployees/

Court facilities: 865-7986, 865-7608,
Task Force on Court Facilities
www2.courtinfo.ca.gov/facilities/

Court interpreters: 865-7599,
www.courtinfo.ca.gov/programs/courtinterpreters/

Drug courts: 865-7632,
www.courtinfo.ca.gov/programs/drugcourts/

Education

Court employees: 865-7745,
jaicinfo@courtinfo.ca.gov

Judges

Programs: 865-7745,
cjerinfo@courtinfo.ca.gov

Publications: 865-7805,
cjerpubs@courtinfo.ca.gov

Videotapes: 865-7792,
cjertapes@courtinfo.ca.gov

Ethics: 865-7799

Family and juvenile law

Center for Families, Children & the Courts: 865-7739, 865-7569,
www.courtinfo.ca.gov/programs/childrenandthecourts/

Access grants: 865-7564

Child support: 865-7685

Court Appointed Special Advocates (CASA) program: 865-7704

Domestic violence: 865-7689

Grants: 865-7557

Mediation/evaluation/alternative dispute resolution: 865-7571

Research, evaluation, and statistics: 865-7555

Standards and programs: 865-7554

Training and education: 865-7556

Forms, Judicial Council: 865-7681,
www.courtinfo.ca.gov/forms/

Judges

Appointments

All levels: Governor's Judicial Appointments Secretary, 916-324-7039

Appellate: Chair, Commission on Judicial Appointments, Supreme Court of California, 350 McAllister Street, San Francisco, CA 94102-3600

Complaints

Sitting: Commission on Judicial Performance, 557-1200

Retired: 865-7638

Judicial Council, services to

Secretariat and Conference Services: 865-7640, jcservices@courtinfo.ca.gov

Jury reform: 865-7588

Legal: 865-7446

Alternative dispute resolution: 865-7691

Civil procedure: 865-7665

Conservatorship: 865-7711

Criminal law and procedure: 865-7688

Delay reduction—civil: 865-7665

Economic litigation: 865-7669

Employment law: 865-7715

Evictions: 865-7711

Guardianships: 865-7711

Labor law: 865-7667

Landlord-tenant: 865-7711A

Probate: 865-7711

Small claims: 865-7665

Standards of Judicial Administration: 865-7681

Strategic planning

Community-focused court planning: 865-7654, www.courtinfo.ca.gov/programs/community/court_planning.htm

Judicial Council strategic plan: 865-7654,
www.courtinfo.ca.gov/reference/1_annualreports.htm#LeadingJustice

Technology policy and planning: 865-7413

Three-strikes law: 865-7650

Trial courts, services to

Change of venue: 865-7637

Coordination of civil actions: 865-7630

Court administration procedures (court holidays, fax filing, forms, rules): 865-7685

Grant coordination: 865-7453

Human Resources—Trial Court Assistance Unit: 865-4269

Judicial assignments: 865-7638

Judicial benefits: 865-4323

Local rules: 865-7669

Traffic: 865-7611

Trial court funding (AB 233): 865-7583

Unification (SCA 4): 865-7702, 865-7708

Vexatious litigants: 865-7593

Photo by William A. Porter



Calendar

CONFERENCES

JULY 24-27	New Family Court Professional Institute, Berkeley
AUG 13-18	National Association for Court Management's 15th Annual Conference, Atlanta
SEP 14-17	California Judges Association Annual Conference, San Diego
SEP 14-17	State Bar Annual Meeting, San Diego
SEP 21-23	4th Annual AB 1058 Conference, Sacramento

JUDICIAL COUNCIL MEETINGS

All Judicial Council business meetings will be held at the Administrative Office of the Courts in San Francisco.
AUG 24 OCT 27 DEC 15

- Contact: Secretariat and Conference Services, 415-865-7640, or e-mail: jcservices@courtinfo.ca.gov. Judicial Council meeting information is also posted on the California Courts Web site at www.courtinfo.ca.gov/courtadmin/jc/.

JUDICIAL EDUCATION

Programs

AUG 6-12	Continuing Judicial Studies Program, Summer Session
SEP 6-8	Judicial Research Attorneys Institute
OCT 4-6	Appellate Courts Orientation and Institute
OCT 11-13	Retired Judges Institute

Orientation

Orientation programs for new trial court judges, commissioners, and referees are scheduled as follows:
AUG 7-11 SEP 11-15 OCT 30-NOV 3

Note: Orientation sessions with insufficient enrollment will be canceled. Call the Center for Judicial Education and Research (CJER) for the latest information.

- Contact: CJER, 415-865-7745.

ADMINISTRATIVE EDUCATION

Court Clerk Training Institute, Palo Alto
JULY 9-14 JULY 16-21 JULY 23-28

Court Staff Training
SEP 13, Redding SEP 15, Santa Rosa OCT 27, San Luis Obispo
SEP 18-20 Executive Leadership Institute, Redondo Beach

- Contact: Administrative Education, 415-865-7745.

COURT NEWS

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